

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re: BRIDGESTONE/FIRESTONE, INC.,) Master File No. IP 00-9373-C-B/S
TIRES PRODUCTS LIABILITY LITIGATION) MDL NO. 1373
_____)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)

**SECOND ENTRY REGARDING PLAINTIFFS' MOTION TO COMPEL PRODUCTION
OF DOCUMENTS BY FORD MOTOR COMPANY ON GROUND OF WAIVER**

In the First Entry Regarding Plaintiffs' Motion to Compel Production of Documents by Ford Motor Company on Ground of Waiver, Ford was ordered to provide additional information for certain documents so that the magistrate judge could evaluate its claim of privilege as to those documents. Ford complied with the order, and the magistrate judge has now completed the in camera review of the information submitted by Ford and, being duly advised, rules as follows.

First, Ford has withdrawn its privilege claim as to the following documents that were addressed in the First Entry:

7051-53	8010-11	8277	8669
7205	8016	8294	8689
7495	8072-73	8297	8705
7682	8106	8309-11	8764
7745	8113	8317	8785
7788	8130-33	8332	8790
7826	8151-53	8387	8793
7830	8209	8457	8795-8802
7849	8230-31	8584	8807
7944-45	8238-39	8586-90	8864
7971-72	8248-51	8612	8887
7978-79	8255-56	8615	8895-96
7988	8265-66	8623	9193
8006-08	8271-73	8660	

In addition, Ford has agreed to redact document 7744 and produce it in its redacted form.

The magistrate judge determines that the affidavits submitted by Ford in response to the

First Entry support Ford's privilege claim as to the following documents:

7045	7231-36	7308-11
7049	7238-42	7312-13
7142	7244	7315-19
7170	7245 (first page)	7324
7186	7247-49	7326
7189	7252-53	7327-32
7191	7257	7334
7194-97	7260	7342-49
7204	7266	7367
7206-08	7275-76	7369
7211	7282	7370
7215	7294	7720
7217-18	7295-96	8043
7222	7300	8205
7227-29	7302-04	8668
		8780

In addition, the First Entry incorrectly listed documents 8473-74 among the documents for which the privilege claim had been withdrawn by Ford. It had not, and those documents are clearly privileged on their face. The magistrate judge determines that the handwritten notes of document 7299 are privileged; the remainder of the document shall be produced if it has not been already. Finally, the magistrate judge has reviewed the Spanish translation provided by Ford for document 7643 and determined that it is clearly privileged.

The magistrate judge determines that each of the following documents are amenable to redaction to remove the privileged portion(s) of the document; the remaining portions of the documents shall be produced to the plaintiffs, to the extent they have not been already: 7190,¹

¹The Hatt affidavit suggests that the pages with Bates Nos. 13858 and 13860, which are included as part of document 7190, are not privileged. Accordingly, they shall be produced.

7274,² 7673, 7810, 8109, 8168, 8704, and 9130.

The magistrate judge determines that the redactions Ford has made to the following documents are appropriate: 7046-48, 7577, 7594, and 8158. The magistrate judge still cannot tell from Ford's submissions what has been redacted from document 7824 and why those redactions were made; Ford shall submit further explanation regarding this document **within 14 days of the date of this Entry**.

Upon review of the Spanish translations provided by Ford, the magistrate judge determines that affidavits are required to support Ford's privilege claim as to the following documents: 7872, 8027, 8065, 8343-44, 8352-53, 8415, 8443, 8454-55, 8480, 8502, 8658, 8710, 8751, 8759, 8774, 8866-67, 8891. In addition, an affidavit is necessary for document 7258. Ford shall provide the appropriate affidavits **within 21 days of the date of this Entry**. Ford also shall consider whether redaction is appropriate for any of these documents.

The documents provided to the magistrate judge as document 8562 do not appear to be the same documents referenced in ¶ 32 of the Mavis affidavit. Ford provided the magistrate judge with a draft letter with Bates No. B CAO 0345, which appears to have been produced to the plaintiffs in redacted form, while the affidavit references Bates Nos. B CAO 0342-345 and discusses an email which was not provided to the magistrate judge. Ford shall promptly submit a revised affidavit regarding document 8562, with a copy of all pages that have been withheld from production, an explanation of any redactions that have been made, and sufficient information to support its claim of privilege.

²The Grush affidavit indicates that Ford is not claiming privilege for one of the pages contained within document 7274, Bates No. 13884; accordingly, that page shall be produced.

Next, Ford has demonstrated that the following documents or redacted portions thereof are not relevant to any issue in this litigation. While the magistrate judge is concerned that Ford's privilege log contains such a large number of irrelevant documents, she agrees that these documents need not be produced by Ford:

7050	7588	8220
7107-08	7601	8398
7139	7607-08	8424
7149	7613	8440-42
7171	7615	8476-77
7200	7620	8479
7286	7654	8524
7383	7657	8567
7398 (p.2)	7660	8631
7428	7664-65	8659
7440-41	7695	8674
7466	7698	8718-19
7470	7702	8734
7475	7922	8757-58
7478	7934	8771
7481	8096	8778-79
7492	8128-29	8861
7553-54	8134-35	8892
7570	8147	9016
7584	8193	

Finally, the magistrate judge determines that Ford has not established that document 9130 or the handwritten notes on document 9197 are privileged. These documents shall be produced in their entirety to the plaintiffs **within 3 days of the date of this Entry**.

ENTERED this _____ day of June 2002.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

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